

7556

2009-2010 Regular Sessions

I N A S S E M B L Y

April 14, 2009

Introduced by M. of A. ROSENTHAL, WEPRIN, BENEDETTO, CAMARA, GREENE, MAISEL, JEFFRIES, MILLMAN, LANCMAN, WRIGHT, DINOWITZ, COLTON, O'DONNELL, HEASTIE, KELLNER, POWELL -- Multi-Sponsored by -- M. of A. BRENNAN, GLICK, HEVESI, PHEFFER -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to requiring school districts in a city of one million or more to investigate and report on the status of polychlorinated biphenyls

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 4 of section 3641 of the education law is
2 amended by adding a new paragraph e to read as follows:
3 E. SCHOOL DISTRICTS IN A CITY OF ONE MILLION OR MORE SHALL TEST FOR
4 THE PRESENCE OF POLYCHLORINATED BIPHENYLS (PCBS) IN AND AROUND SCHOOL
5 BUILDINGS AND SHALL SUBMIT TO THE COMMISSIONER A REPORT ON THE RESULTS.
6 SUCH REPORT SHALL BE IN THE FORM PRESCRIBED BY THE COMMISSIONER. THE
7 SAMPLING METHODS SHALL MEET THE PROTOCOL FOR SAMPLING CAULK AND SOIL
8 CONTAINED IN THE PROTOCOL FOR ADDRESSING POLYCHLORINATED BIPHENYLS
9 ADOPTED BY THE DEPARTMENT IN JUNE TWO THOUSAND SEVEN. THE REPORT SHALL
10 REFLECT THE RESULTS OF INSPECTIONS OF ALL SCHOOL BUILDINGS CONSTRUCTED
11 OR RENOVATED IN A MANNER REQUIRING THE USE OF CAULK BETWEEN NINETEEN
12 HUNDRED FIFTY AND NINETEEN HUNDRED EIGHTY AND SHALL INCLUDE THE TESTING
13 OF EXPANSION JOINT CAULKING AND DOOR AND WINDOW CAULKING AS WELL AS SOIL
14 IN AND AROUND SCHOOL BUILDINGS. ANALYSIS OF SAMPLES SHALL BE CONDUCTED
15 BY A LABORATORY CERTIFIED BY THE DEPARTMENT OF HEALTH PURSUANT TO
16 SECTION FIVE HUNDRED TWO OF THE PUBLIC HEALTH LAW. THE STATE SHALL REIM-
17 BURSE EACH SCHOOL DISTRICT IN THE AMOUNT OF FIFTY DOLLARS PER SAMPLE.
18 SUCH REPORT SHALL BE SUBMITTED TO THE COMMISSIONER BY THE JANUARY FIRST
19 SUCCEEDING THE CLOSE OF THE SCHOOL YEAR IN WHICH THE LAST INSPECTION WAS
20 CONDUCTED, WITH ALL BUILDINGS BEING INSPECTED BY JANUARY FIRST, TWO
21 THOUSAND ELEVEN. THE DEPARTMENT SHALL POST THE REPORT PROVIDED BY THE

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

LBD06631-02-9

1 SCHOOL DISTRICT IN A TIMELY MANNER ON ITS WEBSITE. THE DISTRICT SHALL
2 PROVIDE TO THE DEPARTMENT AND THE DEPARTMENT SHALL PROMPTLY POST ON ITS
3 WEBSITE INSPECTION AND TEST RESULTS FOR EACH INDIVIDUAL SCHOOL BUILDING
4 AS THE TESTS ARE COMPLETED ON A SCHOOL-BY-SCHOOL BASIS. SCHOOL-BY-SCHOOL
5 RESULTS SHALL BE SENT TO THE STATE DEPARTMENT OF ENVIRONMENTAL CONSERVA-
6 TION, THE DEPARTMENT OF HEALTH, THE UNITED STATES ENVIRONMENTAL
7 PROTECTION AGENCY, EACH SCHOOL'S ADMINISTRATION AND THE PARENTS OF
8 STUDENTS ATTENDING EACH SCHOOL. THE ORDER IN WHICH SCHOOLS ARE
9 INSPECTED SHALL BE DETERMINED BY RANDOM DRAW.
10 S 2. This act shall take effect immediately.